

Appln No.: 09/941,857
Response dated December 28, 2005
Reply to Office Action of July 28, 2005

REMARKS/ARGUMENTS

The Final Office Action of July 28, 2005 has been carefully reviewed and these remarks and request for continued examination are Applicant's response thereto. Claims 1-9 and 11-15 are pending. Claim 15 is new. Claim 10 is withdrawn. Claims 1-4, 7-9, 12 and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Appln No. 2001/0008399 to Oosterholt *et al.* ("Oosterholt"). Claims 5 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Oosterholt in view of U.S. Patent No. 6,727,891 to Moriya *et al.* ("Moriya"). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Oosterholt in view of U.S. Patent No. 6,304,746 to Fascenda *et al.* ("Fascenda"). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Oosterholt in view of U.S. Patent No. 6,593,944 to Nicolas *et al.* ("Nicolas").

In response, Applicant respectfully requests reconsideration of the application in light of the above amendments and the following remarks.

Election of Claims

Applicant hereby confirms the election of Group I (claims 1-9 and 11-14). Claim 10 is withdrawn. The withdrawal of claim 10 is without prejudice to the refiling of related claims in a divisional application.

Amendment to the Claims

Independent claim 1 and 12 have been amended to clarify the scope of the claimed subject matter. Support for the amendments to claim 1 and claim 12 is at least found in Figures 1 and 6 and the written description at paragraphs 20-25 and 33-34 of the substitute specification. Accordingly, no new matter has been added.

New Claim

Claim 15 is new and depends from claim 12. Support for this claim is at least found in the substitute specification in paragraphs 33-34, thus no new matter has been added. Applicant respectfully submits that claim 15 is in condition for allowance and notification of same is earnestly sought

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Rejection under 35 U.S.C. § 102(e) – Oosterholt

Claims 1-4, 7-9, 12 and 13 were rejected under 35 U.S.C § 102(e) as being anticipated by Oosterholt.

Claim 1 now recites “one of said plurality of keys being operable in a first mode comprising a first user depression sequence pattern to navigate between previously visited pages and operable in a second mode comprising a second user depression sequence pattern to provide a display of previously visited pages.” Applicant respectfully submits that Oosterholt fails to disclose such a feature.

The Office Action suggested that Oosterholt discloses selecting features that provide similar functionality with a cursor controlled by a mouse where the selection is made by pressing one of the mouse buttons. Assuming, without admitting, that this is true, the Office Action has at most provided support for the fact that selecting different functions by positioning a cursor over an area and then pressing a mouse button was known. However, claim 1 recites “one of said plurality of keys being operable in a first mode comprising a first user depression sequence pattern to navigate between previously visited pages and operable in a second mode comprising a second user depression sequence pattern to provide a display of previously visited pages.” Applicant respectfully submit this feature has no counterpart in Oosterholt.

The Office Action has indicated that the cursor is being read as a key. Applicant respectfully submits that this is unsupported. For example, the Office Action has failed to explain how the cursor is one of a plurality of keys. Furthermore, claim 1 recites a feature that allows the user to navigate between visited pages by using pressing a key with a “first user depression sequence” and allows users display previously visited pages by pressing the same key with a “second user depression sequence.” Oosterholt fails to disclose different depression sequences with the cursor.

In addition, Applicant respectfully submits that the cursor of Oosterholt is a graphical depiction on a screen and is not a physical device. Thus, the key recited in claim 1 is simply not present in Oosterholt. In addition, even if a graphical depiction on a screen could be equated with a key, the cursor must be moved around by moving the mouse in order to function and a user cannot actually press the cursor. In stark contrast, claim 1 recites a feature where a key may

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be simply pressed with different user depression sequences. Oosterholt does not disclose this feature or the associated functionality. In other words, the cursor of Oosterholt fails to provide the functionality of the recited feature of claim 1 because the cursor is not a key (and cannot be pressed). In addition, the cursor of Oosterholt needs to be properly positioned and a button separate from the cursor must be pressed before the cursor can be used to actuate a feature such as the history means.

Applicant respectfully submits that while the Examiner may feel that Oosterholt provides similar functionality with respect to browsing, anticipation requires that every feature of the pending claims be disclosed and claim 1 recites a plurality of keys, with one of the keys having the recited features. The Office Action has failed to provide support for the position that Oosterholt discloses a plurality of keys, one of which has the recited features. As Oosterholt does not actually disclose a plurality of keys, one of which has the recited features, Oosterholt fails to disclose all the features of claim 1. Accordingly, Oosterholt cannot be fairly said to anticipate claim 1.

Claims 2-4, and 7-9 depend from independent claim 1 and therefore are not anticipated for at least the reasons supporting the novelty of claim 1 and for the additional features recited therein.

For example, claim 4 recites "wherein the first and second modes are selected by operating the key for relatively shorter and longer periods respectively." The Office Action has suggested the period of operating the key is a design choice but Applicant respectfully submits that this is not supported. Oosterholt fails to disclose pressing the mouse button for different periods of time to provide different functionality. Applicant further notes that typically the duration of a mouse button press does not provide different functionality. Therefore, there does not appear to be any support for the proposition that the features of claim 4 are a design choice. Accordingly, for this additional reason claim 4 is not anticipated by Oosterholt.

Independent claim 12 recites a method of operating a browser in a mobile telecommunications device. As noted above, the Office Action appears to be equating the cursor with operating a key of the device in a first mode. Applicant respectfully submits that this is improper. Plainly, a cursor is not a physical device and cannot be fairly equated with operating a

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key. Furthermore, a user cannot press a cursor but must instead press a mouse button. In addition, simply pressing a mouse button will not provide the desired functionality because the cursor must be positioned before it can select a desired menu choice. Applicant therefore respectfully submits that the steps recited in claim 12 are simply not disclosed in Oosterholt. Furthermore, given the different manner in which Oosterholt works, the method of claim 12 is not suggested or taught by Oosterholt either. Therefore, as not all the features of claim 12 are disclosed in Oosterholt, Oosterholt cannot be said to anticipate independent claim 12.

Claim 13 recites a key that is operable in different modes. As noted above, Oosterholt simply fails to disclose a key that is operable in different modes as recited in claim 13. Even if the cursor could be equated with a key, which is something Applicant feels is improper, there is still no disclosure relating to operating a key in different modes. Instead, the cursor of Oosterholt operates in the same mode but is actuated in different locations.

In addition, claim 13 recites a key operable in "a second mode to provide a display of previously visited homepages." Oosterholt simply discloses moving back and forth between pages and fails to disclose a "display of previously visited homepages" as recited in claim 13. As explained in the specification (*see* substitute specification, ¶ 29), homepages are associated with page decks and this feature has no counterpart in Oosterholt. Accordingly, as Oosterholt fails to disclose all the features of claim 13, Oosterholt cannot be said to anticipate claim 13.

Accordingly, for the above reasons, withdrawal of this ground of rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a) – Oosterholt & Moriya or Fascenda or Nicolas

Claims 5-6, 11 and 14 were rejected as being obvious under 35 U.S.C. § 103(a) over Oosterholt in view of Moriya or Fascenda or Nicolas.

As noted above, Oosterholt fails to disclose a key, let alone a key as recited in claims 1 or 13. The Office Action has not suggested that any of the other references of record correct this deficiency and the Applicant is unaware of anything in these references that might support such a position. Nor has the Office Action provided any support for the proposition that Oosterholt teaches or suggests the use of a key as recited in claims 1 and 13. Accordingly, the references of

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record fail to disclose, suggest or teach all the features of independent claims 1 and 13. As the references do not teach all the features of independent claims 1 and 13, the references of record cannot be said to support a *prima facie* case of obviousness with regard to claims 1 and 13. Therefore, claims 1 and 13 are nonobvious in view of the references of record.

Claims 5-6 and 11 depend from claim 1 and claim 14 depends from claim 13. As noted above, the references of record fail to disclose, suggest or teach all the limitations of claims 1 and 13. Therefore, the references of record necessarily fail to disclose all the limitations of claims 5-6, 11 and 14 for at least the above reasons and for the additional limitations recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

In summary, all rejections have been addressed. Applicant believes all pending claims are in condition for allowance and earnestly solicits prompt notification of the same.

Respectfully submitted,

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